IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE ELEVENTH DAY OF FEBRUARY,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 25634 OF 2024

Between:

Kataru Nagaraju, S/o. Srinivasa Rao, aged 32 years, R/o. Morjampadu Village, Machavaram Mandal Palnadu District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Velagapudi, Guntur District.
2. The District Collector and Magistrate, Palnadu District at Narasaraopet.
3. The superintendent of Police, Palnadu District at Narasaraopet,
4. The Deputy superintendent of Police, Gurazala, Palnadu District. At Ananthapur.
5. The Station House Officer, Machavaram Police Station, MachavaramMandal,PalnaduDistrict.
6. Mr. Satish, Sub-Inspector of Police, Machavaram Police Station, Machavaram Mandal, Palnadu District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ of Habeas corpus directing respondents to produce the petitioners brother Sri Kataru Gopiraju, Hindu, aged about 26 years.

Resident of Morjapadu Village, Machavaram Mandal, Palnadu District before this Honble Court and set him at liberty forthwith.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to verify the CC Camera footage of 5th respondent police station from dated 03-11-2024 to till the date of produce of the petitioners brother Sri Kataru Gopiraju, Hindu, aged about 26 years, before this Hon'ble Court and produce that CC TV footage before this Honb'le Court in the interest of justice, Pending disposal of WP 25634 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated 11.11.2024 made herein and upon hearing the arguments of Sri Siva Nagarjuna Sidhadapu, Advocate for the Petitioner and of the Advocate General, for the Respondents, the Court made the following

ORDER:

"On 11.11.2024, this Court had heard this petition and recorded the submission of the learned counsel for the petitioner that the detenue had been taken away on 03.11.2024, but arrest was shown as on 07.11.2024. The learned counsel for the petitioner submitted that verification of the C.C T.V footage of the 5th respondent- Police Station from 03.11.2024 to 08.11.2024 would demonstrate his contention.

To ascertain this fact, a direction was issued, on 11.11.2024, to the 5th respondent to produce the C.C T.V footage of the 5th respondent-police station from the midnight of 02.11.2024/03.11.2024 till 08.11.2024, before the concerned Magistrate in an electronic device (pen drive). The matter was posted to 25.11.2024 and 23.12.2024. Thereafter, the matter came up again on 30.12.2024. The 5th respondent had filed a counter affidavit stating that the C.C.T.V footage could not be recovered as the

SMPS in NVR, POE and UPS got burnt and damaged due to which recordings were not stored. This Court after recording that the guidelines under which C.C T.V equipment is to be maintained requires the S.H.O to report any breakdown of C.C. T.V cameras had observed that the refusal to take necessary steps would amount to violation of guidelines requiring, disciplinary action. It was also observed that suo moto contempt proceedings could be initiated against the S.H.O. Time was sought by the learned Government Pleader representing the learned Advocate General.

When the matter again came up on 07.01.2025, the learned counsel for the petitioner informed the Court that the petitioner had instructed him to withdraw the Writ Petition and that he was withdrawing from the vakalat.

Registry was directed to issue notice to the petitioner and the Superintendent of Police, Palnadu District was called upon to file an affidavit and report, by the next date of hearing, regarding the non-functioning of the C.C. T.V equipment, installed in the 5th respondent-police station.

A counter has now been filed by the Superintendent of Police stating that action has been initiated against the 6th respondent-Sub-Inspector and stoppage of increments for one year has been ordered.

We are not satisfied that this is sufficient. The material placed before us shows that the Sub-Inspector is said to have raised a complaint only on 16.11.2024 to one M/s.Sauthrika Technologies and Infra about the break down in the machinery and the reply of this organization, dated 17.11.2024, stating that the equipment was burnt and completely damaged. A comparison of the copy of the said letter, dated 17.11.2024, filed along with the counter affidavit, filed by the 5th respondent, and a copy of the same letter filed along with the counter

affidavit of the Superintendant of Police shows that there is a difference in the signatures and the seal. This raises a further doubt as the veracity and genuineness of the said letter.

Sri B. Sai Sampath Kumar has now appeared before this Court stating that he has been instructed by the petitioner to file vakalat to withdraw the Writ Petition.

Post on 17.02.2025."

SD/- M PRABHAKARA RAO

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District Magistrate, Narasaraopet.
2. The Principal Secretary, State of Andhra Pradesh, Home Department, Velagapudi, Guntur District.(by Special Messenger)
3. The District Collector and Magistrate, Palnadu District at Narasaraopet.
4. The superintendent of Police, Palnadu District at Narasaraopet,
5. The Deputy superintendent of Police, Gurazala, Palnadu District..
6. The Station House Officer, Machavaram Police Station, Machavaram Mandal,Palnadu District.
7. Mr. Satish, Sub-Inspector of Police, Machavaram Police Station, Machavaram Mandal, Palnadu District.(Addressee nos.3 to 7 by RPAD)
8. The Superintendent, Gurajala Sub-Jail.
9. One CC to Sri Siva Nagarjuna Sidhadapu, Advocate [OPUC]
10. Two CCs to Advocate General, High Court of Andhra Pradesh [OUT]
11. **Two spare copies**

psk

HIGH COURT

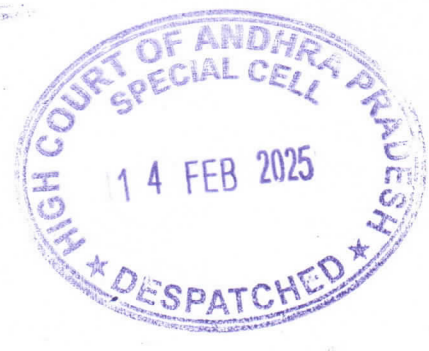
RRR,J & HN,J

DATED:11.02.2025

POST ON 17.02.2025

ORDER

WP.No.25634 of 2024



DIRECTION